

a certificate by the Judge of the District Court of said Judicial District that in his opinion such investigator is needed and upon approval of the Commissioners' Court of Tom Green County, to appoint one special investigator, at a salary of not more than \$2400.00 per year to be fixed Tom Green CoCunty; and, said investigator shall be allowed and paid his reasonable expenses incurred in the performance of his duties not to exceed \$600.00 per year. Said salary and expense shall be paid monthly as it accrues by the Commissioners Court of Tom Green County, Texas, upon the certificate of said District Attorney, out of a fund which such Commissioners' Court shall provide for that purpose.

Sec. 2. The fact that the criminal docket of the District Court of Tom Green County is congested, and by reason of not having an investigator to assist him, the district attorney is seriously handicapped in the performances of his duties, creates an emergency and an imperative public necessity that the Constitutional Rule requiring that bills be read on three several days be suspended, be and the same is hereby suspended, and this Act shall take effect and be in force and effect from and after its passage, and it is so enacted.

Finance Subcommittees.

Subcommittee on Educational Bill: W. E. Thomason, Chairman; Joe. M. Moore, Benjamin F. Berkeley, Charles S. Gainer, H. Grady Woodruff, Pink L. Parrish, and Archie Parr.

Subcommittee on Eleemosynary Institutions: Carl C. Hardin, Chairman; John W. Hornsby, Walter C. Woodward, Walter Woodul, W. A. Williamson, W. R. Cousins, and Thomas G. Pollard.

Subcommittee on Departmental Bill: Tom DeBerry, Chairman; George C. Purl, W. K. Hopkins, Julian Greer, Clint Small, and Nat Patton.

Committee on Claims and Accounts: Carl C. Hardin, Chairman; George C. Purl, Tom DeBerry, H. Grady Woodruff, Benjamin F. Berkeley, Charles S. Gainer, and W. E. Thomason.

TWENTY-THIRD DAY.

(Continued.)

Senate Chamber,
Austin, Texas.
February 13, 1931.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar Witt.

Senate Bill No. 53.

The question recurred upon the motion to reconsider the vote by which Senator Oneal's first amendment to S. B. No. 53 was adopted. The motion to reconsider prevailed by the following vote:

Yeas—14.

Beck.	Rawlings.
Cousins.	Russek.
Holbrook.	Small.
Hopkins.	Williamson.
Hornsby.	Woodruff.
Neal.	Woodul.
Patton.	Woodward.

Nays—10.

Greer.	Parr.
Hardin.	Parrish.
Loy.	Poage.
Moore.	Purl.
Oneal.	Thomason.

Absent.

Berkeley.	Gainer.
Cunningham.	Martin.
DeBerry.	Stevenson.

Absent—Excused.

Pollard.

The amendment was adopted by the following vote:

Yeas—17.

Beck.	Oneal.
Berkeley.	Parr.
DeBerry.	Parrish.
Greer.	Poage.
Hardin.	Russek.
Holbrook.	Williamson.
Loy.	Woodruff.
Moore.	Woodward.
Neal.	

Nays—9.

Cousins.	Rawlings.
Gainer.	Small.
Hopkins.	Stevenson.
Hornsby.	Woodul.
Patton.	

Absent.

Cunningham.	Purl.
Martin.	Thomason.

Absent—Excused.

Pollard.

Senator Parrish sent up the following amendment:

Amend S. B. No. 53 by adding a section thereto, and changing the caption to conform therewith, so as to include the following:

"Provided, that before a defendant can agree to waive a jury, and has no attorney, the court must appoint an attorney to represent him."

PARRISH.

Read and adopted.

The bill passed to engrossment by the following vote:

Yeas—13.

Beck.	Rawlings.
Berkeley.	Small.
Cousins.	Stevenson.
Gainer.	Williamson.
Hornsby.	Woodul.
Moore.	Woodward.
Purl.	

Nays—11.

Cunningham.	Neal.
DeBerry.	Oneal.
Hardin.	Parrish.
Holbrook.	Patton.
Hopkins.	Russek.
Loy.	

Absent.

Parr.	Thomason.
Poage.	Woodruff.

Absent—Excused.

Pollard.

(Pairs Recorded.)

Senator Greer (present) who would vote yea, with Senator Martin (absent) who would vote nay.

The motion of Senator Woodward to suspend the constitutional rule requiring bills to be read on three

several days was lost by the following vote:

Yeas—21.

Beck.	Parrish.
Berkeley.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Williamson.
Loy.	Woodul.
Moore.	Woodward.
Neal.	

Nays—5.

Cunningham.	Patton.
Hopkins.	Russek.
Oneal.	

Present—Not Voting.

Cousins.

Absent.

Parr.

Woodruff.

Absent—Excused.

Martin.

Pollard.

(Four-fifths vote required.)

Message From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives.

Austin, Texas, Feb. 13, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 6, A bill to be entitled "An Act fixing the compensation of district attorneys in each judicial district in this State composed of only one county in which county there are two or more district courts with concurrent criminal jurisdiction, and which district courts have exclusive jurisdiction of all prosecutions for failing or refusing to pay over money belonging to the State under Chapter 2, of Title 4, of the Penal Code of 1925, and which district courts further have concurrent jurisdiction with all district courts in Texas in prosecutions involving the forging and uttering, using or passing of forged instruments in

writing which concern or affect the title to land in this State, under Chapter 2 of Title 4 of Code of Criminal Procedure of 1925; providing how said compensation shall be paid; providing for an assistant district attorney, a special investigator, and a stenographer in each such district; etc., and declaring an emergency."

With amendments.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Simple Resolution No. 44.

Senator Parr sent up the following resolution:

Amend Senate Rule No. 92 so as to allow any person, who by permission of any Senator, enters the Senate Chamber, to remain in said chamber in any seat inside the door but outside the rail.

COUSINS,	SMALL,
HOLBROOK,	PARR,
PATTON,	HARDIN,
WOODRUFF,	HOPKINS,
POAGE,	RUSSEK,
BERKELEY,	WILLIAMSON,
WOODWARD,	NEAL,
GREER,	STEVENSON,
GAINER,	PARRISH,
RAWLINGS,	THOMASON.

Read and referred to Committee on Rules.

Simple Resolution No. 45.

Senator Purl sent up the following resolution:

Whereas, On Tuesday, February 10, 1931, the Senate of Texas invited the Honorable James Hamilton Lewis, U. S. Senator-elect from Illinois, to be the honor guest of the Texas Legislature; and

Whereas, The Honorable Charles Cook, President of the Austin Chamber of Commerce very kindly furnished his own private car to be used and same was used by the committee in escorting Senator Lewis from San Antonio and that this car was also placed at the disposal of said Senator Lewis all of the next day; therefore be it

Resolved, That the Senate of Texas hereby express its thanks to the Honorable Charles Cook for this very generous service extended both to us and to Senator James Hamilton Lewis.

PURL.

Read and adopted.

Senate Bill No. 239.

On motion of Senator Greer, the Senate suspended the constitutional rule relating to the passage of general bills during the first 60 days and took up S. B. No. 239 by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Martin. Pollard.

The Chair laid before the Senate on its second reading the following bill:

By Senator Greer:

S. B. No. 239, A bill to be entitled "An Act renewing and extending oil and gas permit Number 13594 issued by the Commissioner of the General Land Office of the State of Texas on the 23rd day of August, A. D., 1928, covering forty-seven (47) acres of land, in the bed of the Neches River, located in Anderson and Cherokee Counties, Texas, for an additional period of two years from and after the present date of expiration of said permit, and declaring an emergency."

The committee report, carrying amendments, was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Greer, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 239 was put on its third reading and final passage, by the following vote:

Yeas—26.

Berkeley.	DeBerry.
Cousins.	Gainer.
Cunningham.	Greer.

Hardin.	Patton.
Holbrook.	Poage.
Hopkins.	Rawlings.
Hornsby.	Small.
Loy.	Stevenson.
Moore.	Thomason.
Neal.	Williamson.
Oneal.	Woodruff.
Parr.	Woodul.
Parrish.	Woodward.

Nays—1.

Purl.

Absent.

Beck.

Russek.

Absent—Excused.

Martin.

Pollard.

Read third time and finally passed
by the following vote:

Yeas—24.

Berkeley.	Oneal.
Cousins.	Parr.
Cunningham.	Parrish.
Gainer.	Patton.
Greer.	Poage.
Hardin.	Rawlings.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.

Nays—3.

DeBerry.
Purl.

Woodward.

Absent.

Beck.

Russek.

Absent—Excused.

Martin.

Pollard.

Bills and Resolutions.

By Senator Berkeley:

S. B. No. 377, A bill to be entitled "An Act ratifying and validating an election heretofore held in and throughout Road District Number 1 of Uvalde County, Texas, upon the question of authorizing the issuance of \$175,000.00 Uvalde County Road District No. 1 Road Bonds, Series 2, and levying a tax in payment thereof; ratifying and validating said road district as heretofore created by Special Act of the Legislature and as recreated by the commissioners'

court of Uvalde County, Texas, and specially setting out and defining the boundaries thereof; ratifying and validating the petition for such election, the order setting such petition down for hearing and notices thereof; the order calling such election and notices thereof; and all other orders passed by the commissioners' court of said county in respect thereto, including the order declaring result of such election and the order authorizing the issuance of such bonds and levying a tax in payment thereof authorizing all orders of the commissioners' court and all certificates of the proper county officials made in pursuance of the issuance of such bonds to constitute legal evidence in all courts; authorizing the commissioners' court and proper officials of Uvalde County to complete the issuance of such bonds; ratifying and validating the tax levied in payment of such bonds, and authorizing and directing the commissioners' court of Uvalde County to levy, assess and collect annually a general ad valorem tax upon all taxable property in said Uvalde County Road District Number 1 sufficient to pay the interest on said bonds and the principal thereof at maturity; and declaring an emergency."

Read and referred to Committee on Highways and Motor Traffic.

By Senator Cousins:

S. B. No. 378, A bill to be entitled "An Act creating a division under the State Department of Agriculture providing for the classification and grading of rough rice; providing the rules and regulations to be promulgated by the Commissioner of Agriculture; providing the means and manner of classifying and grading of rough rice; providing for inspectors and graders for such purpose, and for their salaries; making appropriation; providing for the issuance of certificates and for the admission of same in evidence in judicial proceedings; providing that the Commissioner of Agriculture shall adopt the standards prescribed or promulgated by the United States Department of Agriculture, and be governed by the standards of rough rice prescribed by the United States Department, or the Secretary of Agriculture, or any other place or agency of the Federal Government;

providing generally for the enforcement hereof and declaring an emergency."

Read and referred to Committee on Agricultural Affairs.

By Senator Cousins:

S. B. No. 379, A bill to be entitled "An Act creating the Texas State Nautical School, for the purpose of giving instruction in the practice of navigation, seamanship, wireless telegraphy, steam and electrical engineering; creating a board of governors to manage said school, providing for the adoption of rules and regulations by said board; making an appropriation for the purpose of establishing and maintaining the same, and declaring an emergency."

Read and referred to Committee on Educational Affairs.

Unanimous consent was granted Senator Thomason to introduce this bill:

By Senators Thomason and Cousins:

S. B. No. 380, A bill to be entitled "An Act to amend Article 1302, Chapter 1, Title 32, of the Revised Civil Statutes of the State of Texas of 1925, by adding thereto subdivision 91b, so as to provide for the creation of private corporations for the purpose of acquiring, owning, subdividing, improving and selling lands from which the timber has been cut and removed, wholly or in part, for lumbering purposes, so that such lands may be so acquired, owned, subdivided, improved and sold, and repealing all laws in conflict therewith, and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Loy:

S. J. R. No. 21, A joint resolution Proposing an amendment to Section 2, of Article 3, of the Constitution of Texas, by adding thereto Section 2a providing that under no apportionment shall any county be entitled to more than one Senator or more than four representatives; providing for its submission to the voters as required by the Constitution, and making an appropriation therefor.

Read and referred to Committee on Constitutional Amendments.

Senate Bill No. 40.

Senator Williamson called up from the table the following bill:

By Senator Williamson:

S. B. No. 40, A bill to be entitled "An Act to amend Article 1434, Chapter 8, Title 17, Penal Code of Texas, 1925, as amended by Chapter 77, Acts of the First Called Session of the Fortieth Legislature, and amending Article 1435, Chapter 8, Penal Code of Texas, 1925, and declaring an emergency."

The bill was passed to engrossment.

On motion of Senator Williamson, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 40 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Martin.	Pollard.
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Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.**Martin.****Pollard.****House Bill No. 111.**

Senator Patton called up from the table the following bill:

By Mr. Burns of Walker:

H. B. No. 111, A bill to be entitled "An Act amending Chapter 21 of the Acts of the Second Called Session of the Forty-first Legislature, providing for open season on squirrels in certain counties; providing penalty, and declaring an emergency."

The committee amendment was adopted.

The bill passed to third reading.

On motion of Senator Patton, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 111 was put on its third reading and final passage, by the following vote:

Yeas—27.

Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Parr.	

Absent.**Beck.****Greer.****Absent—Excused.****Martin.****Pollard.**

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	DeBerry.
Berkeley.	Gainer.
Cousins.	Greer.
Cunningham.	Hardin.

Holbrook.
Hopkins.
Hornsby.
Loy.
Moore.
Neal.
Oneal.
Parr.
Parrish.
Patton.
Poage.

Purl.
Rawlings.
Russek.
Small.
Stevenson.
Thomason.
Williamson.
Woodruff.
Woodul.
Woodward.

Absent—Excused.**Martin.****Pollard.****Free Conference Asked.**

On motion of Senator Hornsby, the Senate refused to concur in the House amendment to S. B. No. 6 and asked for a Free Conference Committee.

Adjournment.

Senator Woodward moved to adjourn until Monday morning at 10 o'clock.

Senator DeBerry moved as a substitute that the Senate adjourn until tomorrow morning at 10 o'clock.

The motion to adjourn until Monday morning prevailed, and at 12:15 o'clock p. m., the Senate adjourned.

APPENDIX.**Committee on Engrossed Bills.**

Committee Room,

Austin, Texas, Feb. 13, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 217 carefully examined and compared, and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,

Austin, Texas, Feb. 13, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 254 carefully examined and compared, and find same correctly engrossed.

HARDIN, Chairman.